

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00344-MR-WCM

DAVID L. SETTLEMYER, et al.,)
Plaintiffs,)
vs.)
BORG-WARNER MORSE TEC, LLC,)
et al.,)
Defendants.)

ORDER

THIS MATTER is before the Court on the Notice of Bankruptcy Filing filed by DBMP LLC [Doc. 66].

On December 12, 2019, the Plaintiff initiated this products liability action against a number of Defendants, including CertainTeed Corporation. [Doc. 1]. On October 23, 2019, CertainTeed Corporation went through an internal, corporate restructuring. As a result of that restructuring, CertainTeed Corporation ceased to exist and a new entity, named DBMP LLC, a North Carolina limited liability company (“DBMP”), succeeded to certain assets and liabilities of CertainTeed Corporation, including the asbestos liabilities alleged in this case. [See Docs. 12, 13]. On February 3, 2020, DBMP filed the present Notice with the Court indicating that it filed a

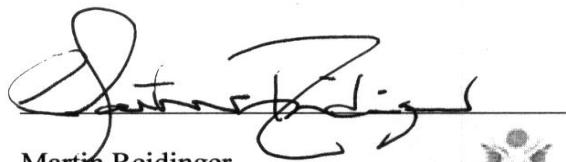
voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code on January 23, 2020. [Doc. 66].

It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16th ed. 2014); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy petition operates as an automatic stay of “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor”). Accordingly, the Court will consider this action stayed, but only as to the Defendant CertainTeed Corporation.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** until further Order of this Court as to the Defendant CertainTeed Corporation only. All other claims pending in this action remain unaffected by this stay.

IT IS SO ORDERED.

Signed: February 4, 2020



Martin Reidinger
United States District Judge

